

2005 DRAFTING REQUEST

Senate Amendment (SA-SB681)

Received: **04/20/2006**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Cathy Stepp (608) 266-1832**

By/Representing: **Jay**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - munis generally**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Stepp@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to the impact fee law; requirements imposed by municipalities

Instructions:

See Attached. Various changes to the bill

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mshovers 04/20/2006 pkahler 04/21/2006	wjackson 04/21/2006		_____			
/1			pgreensl 04/21/2006	_____	lnorthro 04/21/2006	lnorthro 04/21/2006	
/2	mshovers 04/24/2006	wjackson 04/24/2006	chaugen 04/25/2006	_____	lnorthro 04/25/2006	lnorthro 04/25/2006	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/1			pgreensl 04/21/2006	_____	lnorthro 04/21/2006	lnorthro 04/21/2006	

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/?	mshovers	11 WLj 4/21	6/1	4/18/06			
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FE Sent For:

<END>

Shovers, Marc

From: Risch, Jay
Sent: Wednesday, April 19, 2006 4:10 PM
To: Shovers, Marc
Subject: FW: Proposed amendment to AB 1156.doc

Hi Marc –

Would you draft the following amendment for us? I expect SB 681 will get a vote in the Senate next week, so we'll need this before then.

Thanks and let me know if you have any questions.

Jay

Proposed amendment to AB 1156/SB 681

1) **Section 5.** Amend definition of public facilities to add the following words after "...parks and playgrounds..."and athletic fields."

Explanation: This change allows a municipality to collect impact fees to fund athletic fields.

2) **Section 21.** Delete the new language on page 7, lines 7-8 ", in accordance with generally-accepted accounting practices." Delete the new language on lines 12-14.

Explanation: This change removes the proposed requirement that municipalities must administer impact fees "in accordance with generally-accepted accounting practices, and deletes the proposed requirement that municipalities must publish a class 1 notice reporting each impact fee.

3) **Section 22.** Delete the change on page 7, line 18 that replaces the words "a reasonable period of time" with "10 years.

Explanation: The time period was addressed by earlier legislation (2005 Act 203) and does not need to be changed again.

4) **Section 24.** Delete this section and replace it with a new section that amends Ch. 65.90 (3) by adding ss. 65.90(3)(b)3. as follows: "Revenue and expenditure totals for each impact fee or similar development fee."

Explanation: Municipalities are required by ss. 65.90 to publish a budget summary each year. Instead of the separate publication requirements proposed by AB 1156/SB 681, this proposed change adds impact fees and similar fees to the list of revenues and expenditures that must be annually reported by the local government.

5) **New Section.** Create a new section that amends Ch. 236.45 to state that "No fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property may be imposed as a condition of approval under this chapter. Any land dedication, easement or other public improvement imposed as a condition of approval under this chapter must bear a rational

relationship to a need for the land dedication, easement or other public improvement that will result from the land division.”

Explanation: This language requires municipalities to use the procedures outlined in the impact fee statutes in order to impose fees on new development, and to allow municipalities to require land dedications and other public improvements that are necessary to serve the proposed subdivision.



State of Wisconsin
2005 - 2006 LEGISLATURE

8ATK ← "Kay"
a2942 / 1
LRBa2941/1
MES.....
RMN R

today
(Fri)

SENATE
ASSEMBLY AMENDMENT,
TO 2005 ASSEMBLY BILL 1156 68 / ✓

#. Page 1, line 7: delete "and imposing" and
substitute ✓, imposing ✓ ⊙

- 1 At the locations indicated, amend the bill as follows:
- 2 ✓ 1. Page 1, line 7: after "certain" insert "publication".
- 3 ✓ 2. Page 1, line 7: delete "on other fees imposed" and substitute "for the budget
- 4 summaries that are published".
- 5 ✓ 3. Page 2, line 1: before that line insert:
- 6 [Ⓢ] "SECTION 1. 65.90 (3) (b) 3. of the statutes is created to read:
- 7 65.90 (3) (b) 3. Revenue and expenditure totals for each impact fee that is
- 8 imposed by a municipality."
- 9 ✓ 4. Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1[Ⓢ]m".
- 10 5. Page 3, line 18: delete "parks, and playgrounds and" and substitute "parks,
- 11 playgrounds, and".
- 12 ✓ 6. Page 3, line 19: after "facilities" insert "athletic facilities".

Insert 1-4

Ⓢ r

plain

land for

1704/11

- 1 ✓ **7.** Page 7, line ⁶7: delete "in accordance with".
- 2 ✓ **8.** Page 7, line ⁷8: delete "generally accepted accounting practices".
- 3 ✓ **9.** Page 7, line ¹⁰11: delete "(9)." and substitute "." (9)
- 4 ✓ **10.** Page 7, line ¹¹12: delete lines ¹¹12 to ¹³14.
- 5 ✓ **11.** Page 8, line 9: delete lines 9 to 16.
- 6 **12.** Page 8, line 9: delete lines 9 to 16 and substitute.

(END)

Insert 2-b ✓

D-NOTE ✓

Page 7, line 4: delete "AND REPORTING ON" ^{Caps} 0

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2942/ins
PJK:.....

INSERT 1-4

1 ~~1.~~ Page 1, line 8: after "subdivisions" insert ", and imposing certain
2 requirements on plat approval conditions".

(END OF INSERT 1-4)

INSERT 2-6

3 ~~2.~~ Page 8, line 16: after that line insert:
4 "SECTION 25. 236.45 (6) of the statutes is created to read:
5 236.45 (6) REQUIREMENTS FOR APPROVAL CONDITIONS. (a) Notwithstanding subs.
6 (1) and (2) (a) (intro.), a municipality, town, or county may not, as a condition of
7 approval under this chapter, impose any fees or other charges to fund the acquisition
8 or improvement of land, infrastructure, or other real or personal property.

9 (b) Any land dedication, easement, or other public improvement required by a
10 municipality, town, or county as a condition of approval under this chapter must bear
11 a rational relationship to a need for the land dedication, easement, or other public
12 improvement resulting from the subdivision or other division of land.

13 **SECTION 26. Initial applicability.**

14 (1) REQUIREMENTS FOR APPROVAL CONDITIONS. The treatment of section 236.45 (6)
15 of the statutes first applies to a certified survey map, a preliminary plat, or, if no
16 preliminary plat was submitted, a final plat that is submitted for approval on the
17 effective date of this subsection."

(END OF INSERT 2-6)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

a2942/1da
LRBa2941/1da
MES.....

wlj

Representative:

Senator Stepp

Item 4 of your instructions states that created s. 66.90 (3) (b) 3. should say "Revenue and expenditure totals for each impact fee *or similar development fee*." I did not add in "or similar development fee" because I don't know what it means or to what you intend it to refer. Section 66.0617 (2) (c) of the statutes states that a political subdivision "may impose and collect impact fees only under this section", so I'm not sure what a "similar development fee" could be. Please let me know the statute to which you would like the amendment to apply and I'll redraft the amendment with a citation to that specific statute.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2942/1dn
MES:wlj:pg

April 21, 2006

Representative Stepp:

Item 4 of your instructions states that created s. 65.90 (3) (b) 3. should say "Revenue and expenditure totals for each impact fee *or similar development fee*." I did not add "or similar development fee" because I don't know what it means or to what you intend it to refer. Section 66.0617 (2) (c) of the statutes states that a political subdivision "may impose and collect impact fees only under this section," so I'm not sure what a "similar development fee" could be. Please let me know the statute to which you would like the amendment to apply, and I'll redraft the amendment with a citation to that specific statute.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

Shovers, Marc

From: Risch, Jay
Sent: Monday, April 24, 2006 2:44 PM
To: Shovers, Marc
Subject: FW: LRB 05a2942 Topic: Changes to the impact fee law; requirements imposed by municipalities

Attachments: LRB a2942_1; LRB a2942/1

Marc –

Please change #8 from “land for athletic facilities” to “land for athletic fields.” We’ll take a revised version of the stripes then too.

Thanks!

From: Northrop, Lori
Sent: Friday, April 21, 2006 4:33 PM
To: Sen.Stepp
Subject: LRB 05a2942 Topic: Changes to the impact fee law; requirements imposed by municipalities

The attached proposal has been jacketed for introduction.

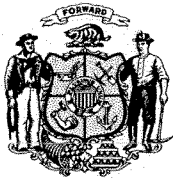
A copy has also been sent to:



05a29421.pdf (16 KB)



05a29421dn.pdf (11 KB)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa2942/1
MES&PJK:wlj:pg

stays
fmr

SENATE AMENDMENT ,
TO 2005 SENATE BILL 681

WANTED
Tues 9am

Ed, LPS;
only change:
p. 2, l. 3

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 7: delete “and imposing” and substitute “, imposing”.

3 **2.** Page 1, line 7: after “certain” insert “publication”.

4 **3.** Page 1, line 7: delete “on other fees imposed” and substitute “for the budget
5 summaries that are published”.

6 **4.** Page 1, line 8: after “subdivisions” insert “, and imposing certain
7 requirements on plat approval conditions”.

8 **5.** Page 2, line 1: before that line insert:

9 “SECTION 1g. 65.90 (3) (b) 3. of the statutes is created to read:

10 65.90 (3) (b) 3. Revenue and expenditure totals for each impact fee that is
11 imposed by a municipality.”.

12 **6.** Page 2, line 1: delete “SECTION 1” and substitute “SECTION 1r”.

1 **7.** Page 3, line 18: delete “parks, and playgrounds and” and substitute “parks,
2 playgrounds, and”.

3 **8.** Page 3, line 19: delete “facilities” and substitute “land for athletic ^{fields} ~~facilities~~”.

4 **9.** Page 7, line 5: delete “AND REPORTING ON”.

5 **10.** Page 7, line 7: delete “, in accordance with”.

6 **11.** Page 7, line 8: delete “generally accepted accounting practices”.

7 **12.** Page 7, line 11: delete “(9).” and substitute “(a).”.

8 **13.** Page 7, line 12: delete lines 12 to 14.

9 **14.** Page 7, line 15: delete lines 15 to 24 and substitute:

10 **“SECTION 22m.** 66.0617 (9) (a) of the statutes, as affected by 2005 Wisconsin
11 Act 203, is amended to read:

12 66.0617 (9) (a) Subject to par. (b), an ordinance enacted under this section shall
13 specify that impact fees that are imposed and collected by a ~~political subdivision~~
14 municipality but are not used within 7 years after they are collected to pay the capital
15 costs for which they were imposed shall be refunded to the current owner of the
16 property with respect to which the impact fees were imposed, along with any interest
17 that has accumulated, in described in sub. (8). The ordinance shall specify, by type
18 of public facility, reasonable time periods within which impact fees must be spent or
19 refunded under this subsection, subject to the 7-year limit in this paragraph and the
20 extended time period specified in par. (b). In determining the length of the time
21 periods under the ordinance, a ~~political subdivision~~ municipality shall consider what
22 are appropriate planning and financing periods for the particular types of public
23 facilities for which the impact fees are imposed.”.

15. Page 8, line 1: delete lines 1 and 2.

16. Page 8, line 9: delete lines 9 to 16.

17. Page 8, line 16: after that line insert:

“SECTION 25m. 236.45 (6) of the statutes is created to read:

236.45 (6) REQUIREMENTS FOR APPROVAL CONDITIONS. (a) Notwithstanding subs. (1) and (2) (a) (intro.), a municipality, town, or county may not, as a condition of approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property.

(b) Any land dedication, easement, or other public improvement required by a municipality, town, or county as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement, or other public improvement resulting from the subdivision or other division of land.

SECTION 26m. Initial applicability.

(1) REQUIREMENTS FOR APPROVAL CONDITIONS. The treatment of section 236.45 (6) of the statutes first applies to a certified survey map, a preliminary plat, or, if no preliminary plat was submitted, a final plat that is submitted for approval on the effective date of this subsection.”.

(END)